N.H. Room -- Lateral File

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Judith Smart claims Pam Smart and her prison lover plotted to kill her for revenge.

Mrs. Smart: 'Pam plotted with her prison lover to kill me for vengeance'

Sept. 18, 1992

By ED PUFFER
Derry News Staff

CONCORD — Assistant Attorney General Paul Maggiotto confirmed Wednesday the attorney general's office and State Police conducted an investigation into allegations that Pamela Smart and her prison lover schemed to murder Smart's mother-in-law, Judith Smart, for revenge.

Judith Smart revealed the threat against her in an interview Tuesday after attorney's presented arguments in her daughter-in-law's appeal hearing at the state Supreme Court.

Maggiotto said that authorities are considering reopening the investigation after the woman, who was released from prison more than a month ago, was seen at Tuesday's hearing.

Pamela Smart was convicted in March 1991 of orchestrating the 1990 murder of her husband, Gregg, and she is now serving a life sentence at the Goffstown women's facility. Six months ago, she was punished after pleading guilty to charges of having sexual contact with another inmate.

On Tuesday, her lawyer, J. Albert Johnson of Boston, argued before the court that Pamela Smart did not receive a fair trial at Rockingham County Superior Court because Judge Douglas Gray had erred in not sequestering the jury. (See related story.)

After the hearing, Judith Smart said prison officials told the attorney general's office of reports that Pamela Smart and her lover were conspiring to kill her. She said the attorney general's office contacted her and started an investigation.

"The State Police went to the

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Smart jury was tainted, says Johnson

By ED PUFFER
Derry News Staff

CONCORD — Pamela Smart's chance for a new trial is now in the hands of the New Hampshire Supreme Court, after a hearing Tuesday when the five justices heard arguments on whether Smart had been given a fair trial in Rockingham County Superior Court in 1991.

At issue is whether Superior Court Judge Douglas Gray was right in choosing not to sequester jurors in order to keep them away from the intense media coverage of the most publicized trial in New Hampshire history.

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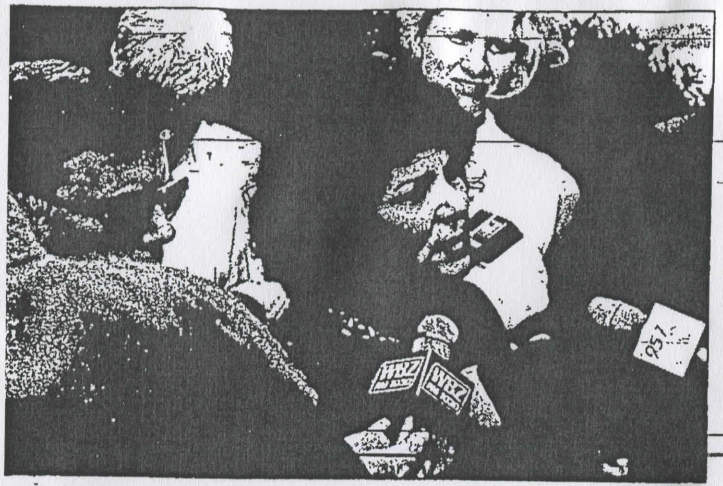
J. Albert Johnson ...argues for new trial



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Pam Smart's mother, Linda Wojas, talks with reporters outside state Supreme Court Tuesday.

Judith Smart reveals murder plot

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prison to question this girl, the day she was leaving they questioned her," Judith Smart said. 'She said her and Pam had discussed me, had discussed some way to get rid of me. They asked her why they would want to do anything like this, and she said, 'Just for vengeance.' "

Both Johnson and Linda Wojas, Pamela Smart's mother, called the allegations preposterous.

Maggiotto said the woman, upon being released from prison, said that she wanted to commit another crime so she could return to prison and be with Pamela Smart.

Maggiotto said the investigation had been closed, but it could be reopened because the woman was seen in the courthouse, and Judith Smart reported that she saw the woman after the hearing.

"I just went into the ladies' room, and Pam's lover, who was released from jail a month and a half ago and threatened my life, was standing there," Judith Smart said. "She just gave me this sarcastic grin, thinking that I didn't know who she was...nothing was said."

Judith Smart said she recognized the woman because investigators had given her a photograph.

Maggiotto also confirmed Mrs. Smart was given a photograph of the woman identified as Smart's lover in prison.

Smart's lawyer says trial jury was tainted

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Smart was not allowed to attend the hearing because she is serving a life sentence at the Goffstown women's facility, after being convicted of masterminding the plot to kill her husband, Gregory, in their Derry home on May 1, 1990. The county court determined that she had enticed her teen lover, William Flynn, and some of his friends to kill her husband, a deed carried out six days before the couple's first anniversary.

At Tuesday's hearing, Boston attorney J. Albert Johnson said Judge Gray should have delayed the trial, ordered it be moved to another part of the state, or both. Johnson said that in choosing neither, Gray should have ordered jurors be sequestered throughout the trial, rather than only in the second day of deliberations, because their judgment could have easily been tainted by the local, national and even international media attention paid to the trial.

"The jury was not sequestered during the trial. The judge denied the motion to sequester, despite admitting, quote, 'The press is out of control,' " Johnson said. "One juror, whose words we have for posterity, has stated as follows, 'I felt like a bug in a glass jar today. I've never seen that much media ever, and they were all over us.' "

Assistant Attorney General Paul Maggiotto said Smart's defense counsel has no evidence that the jury was tainted by the media, despite the fact jurors were not sequestered. Maggiotto said even the juror who taped an interview, which Johnson had quoted, said the media presence did not affect her decision.

"The only conclusion you could come to after looking at her tape in its entirety is that it (media attention) did not affect her ability to render a fair and impartial verdict. In fact, if anything, it just gave her pity towards the defendant," Maggiotto said. "There is absolutely no evidence before this court which would indicate that Pamela Smart was denied a fair trial by the failure to sequester."

"The key to winning the appeal was the fact the judge did not follow the rule of law. One of those rules is sequestration in case of high visibility," Johnson said after the hearing. "He didn't sequester the jury even during deliberations. No one can get a fair trial under those circumstances. They should have been sequestered from the time that they were chosen."